

**EIGHTY-SEVENTH GENERAL ASSEMBLY
2018 REGULAR SESSION
DAILY
SENATE CLIP SHEET**

April 17, 2018

Clip Sheet Summary

Displays all amendments, fiscal notes, and conference committee reports for previous day.

Bill	Amendment	Action	Sponsor
<u>SF 2397</u>	<u>S-5245</u>	Filed	JOE BOLKCOM
<u>HF 2342</u>	<u>S-5243</u>	Adopted	JULIAN GARRETT
<u>HF 2397</u>	<u>S-5242</u>	Withdrawn	DAN DAWSON
<u>HF 2397</u>	<u>S-5247</u>	Adopted	DAN DAWSON
<u>HF 2397</u>	<u>S-5249</u>	Adopted	NATE BOULTON
<u>HF 2443</u>	<u>S-5246</u>	Ruled Out of Order	DAN DAWSON
<u>HF 2466</u>	<u>S-5244</u>	Filed	KEN ROZENBOOM
<u>HF 2466</u>	<u>S-5248</u>	Filed	KEN ROZENBOOM

S-5245

1 Amend Senate File 2397 as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. Section 124E.2, subsection 2, paragraph b, Code
4 2018, is amended to read as follows:

5 *b.* Multiple sclerosis with ~~severe and persistent muscle~~
6 ~~spasms~~.

7 Sec. _____. Section 124E.2, subsection 2, Code 2018, is
8 amended by adding the following new paragraphs:

9 NEW PARAGRAPH. *j.* Glaucoma.

10 NEW PARAGRAPH. *k.* Ehlers-Danlos syndrome.

11 NEW PARAGRAPH. *l.* Post-traumatic stress disorder.

12 NEW PARAGRAPH. *m.* Tourette's syndrome.

13 NEW PARAGRAPH. *n.* Muscular dystrophy.

14 NEW PARAGRAPH. *o.* Huntington's disease.

15 NEW PARAGRAPH. *p.* Alzheimer's disease.

16 NEW PARAGRAPH. *q.* Complex regional pain syndrome, types I
17 and II.

18 NEW PARAGRAPH. *r.* Rheumatoid arthritis.

19 NEW PARAGRAPH. *s.* Polyarteritis nodosa.

20 NEW PARAGRAPH. *t.* Any other chronic or debilitating disease
21 or medical condition or its medical treatment approved by the
22 department pursuant to rule.

23 Sec. _____. Section 124E.2, subsection 6, Code 2018, is
24 amended by striking the subsection and inserting in lieu
25 thereof the following:

26 6. "*Medical cannabidiol*" means any pharmaceutical grade
27 cannabinoid used for medicinal purposes pursuant to rules of
28 the board, including tetrahydrocannabinols naturally contained
29 in a plant of the genus *Cannabis* (*Cannabis* plant) as well
30 as synthetic equivalents of the substances contained in the
31 *Cannabis* plant, or in the resinous extractives of such plant,
32 and synthetic substances, derivatives, and their isomers with
33 similar chemical structure and pharmacological activity to
34 those substances contained in the plant, such as the following:

35 *a.* 1 cis or trans tetrahydrocannabinol, and their optical

1 isomers.

2 *b.* 6 cis or trans tetrahydrocannabinol, and their optical
3 isomers.

4 *c.* 3,4 cis or trans tetrahydrocannabinol, and their optical
5 isomers. (Since nomenclature of these substances is not
6 internationally standardized, compounds of these structures,
7 regardless of numerical designation of atomic positions
8 covered.)

9 *d.* Nabilone [another name for nabilone: (+-) -
10 trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy
11 -6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one].

12 Sec. _____. Section 124E.5, subsection 4, Code 2018, is
13 amended to read as follows:

14 4. Recommendations made by the medical cannabidiol board
15 pursuant to subsection 3, paragraphs “*b*” and “*e*”, shall be made
16 to the ~~board of medicine~~ department for consideration, and if
17 approved, shall be adopted by the ~~board of medicine~~ department
18 by rule.>

19 2. Page 1, before line 16 by inserting:

20 Sec. _____. Section 124E.8, subsection 1, paragraph a, Code
21 2018, is amended to read as follows:

22 *a.* The department shall issue a request for proposals
23 to select and license by April 1, ~~2018~~ 2019, ~~up to five~~
24 twelve medical cannabidiol dispensaries to dispense medical
25 cannabidiol within this state consistent with the provisions
26 of this chapter. The department shall license new medical
27 cannabidiol dispensaries or relicense the existing medical
28 cannabidiol dispensaries by December 1 of each year.>

29 3. Page 2, before line 11 by inserting:

30 <Sec. _____. Section 124E.11, subsection 2, paragraph c, Code
31 2018, is amended to read as follows:

32 *c.* Establish the form and quantity of medical cannabidiol
33 allowed to be dispensed to a patient or primary caregiver
34 pursuant to this chapter as appropriate to serve the medical
35 needs of patients with debilitating medical conditions, subject

S-5245 (Continued)

1 to recommendation by the medical cannabidiol board ~~and approval~~
2 ~~by the board of medicine.~~>

3 4. Title page, by striking lines 1 through 3 and inserting
4 <An Act relating to the medical cannabidiol Act, including
5 provisions relating to the definition of a debilitating medical
6 condition and the definition of medical cannabidiol, the form
7 and quantity in which medical cannabidiol may be dispensed,
8 the collection of fees, the performance of background
9 investigations, and the issuance of permits, and including
10 effective date provisions.>

11 5. By renumbering as necessary.

By JOE BOLKCOM

S-5245 FILED APRIL 16, 2018

HOUSE FILE 2342

S-5243

1 Amend House File 2342, as amended, passed, and reprinted by
2 the House, as follows:

3 1. Page 1, lines 13 and 14, by striking ~~<of, or direct the~~
4 ~~disposal of,>~~ and inserting ~~<of, or direct the disposal of,>~~

5 2. Page 1, line 21, by striking ~~<commission or disposed of~~
6 ~~and>~~ and inserting ~~<commission, or disposed of, or>~~

7 3. Page 2, line 3, after ~~<481.13A>~~ by inserting ~~<unless~~
8 ~~the property is fish or wildlife that is illegal to possess,~~
9 ~~including fish or wildlife that was taken, possessed, or~~
10 ~~transported unlawfully>~~

11 4. Page 2, line 9, after ~~<seized.>~~ by inserting ~~<However,~~
12 ~~the state shall not return any fish or wildlife that is~~
13 ~~illegal to possess, including fish or wildlife that was taken,~~
14 ~~possessed, or transported unlawfully.>~~

15 5. Page 5, line 9, after ~~<6.>~~ by inserting ~~<a.>~~

16 6. Page 5, after line 21 by inserting:

17 ~~<b. The department shall provide a form on which a person~~
18 ~~purchasing property seized pursuant to section 481A.12 or~~
19 ~~483A.32 shall declare that the person is not an employee of the~~
20 ~~seizing public agency or a member of the immediate family of an~~
21 ~~employee of the seizing public agency.>~~

By JULIAN GARRETT

S-5243 FILED APRIL 16, 2018

ADOPTED

S-5242

1 Amend House File 2397, as passed by the House, as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. NEW SECTION. 671A.1 Limitation on liability
5 for negligently hiring or failing to supervise an employee,
6 agent, or independent contractor convicted of a public offense.

7 1. A cause of action shall not be brought against a private
8 employer, general contractor, or premises owner solely for
9 negligently hiring or failing to adequately supervise an
10 employee, agent, or independent contractor, based on evidence
11 that the employee, agent, or independent contractor has been
12 convicted of a public offense as defined in section 701.2.

13 2. This chapter does not create a cause of action or expand
14 an existing cause of action.

15 3. This chapter does not apply to employment of prisoners
16 at prisons.

17 4. This chapter does not alter any statutory provision
18 allowing an employer to conduct a criminal history background
19 investigation or consider criminal history records in the
20 employment process for particular types of employment.

21 Sec. 2. NEW SECTION. 671A.2 Liability protection not
22 applicable.

23 1. This chapter does not preclude a cause of action for
24 negligent hiring by or the failure of a private employer,
25 general contractor, or premises owner to provide adequate
26 supervision of an employee, agent, or independent contractor,
27 based on evidence that the employee, agent, or independent
28 contractor has been convicted of a public offense as defined in
29 section 701.2, if all of the following criteria are met:

30 a. The private employer, general contractor, or premises
31 owner knew or should have known of the conviction.

32 b. The employee, agent, or independent contractor was
33 convicted of any of the following:

34 (1) A public offense that was committed while performing
35 duties substantially similar to those reasonably expected to

1 be performed in the employment or under the relationship or
2 contract, or under conditions substantially similar to those
3 reasonably expected to be encountered in the employment or
4 under the relationship or contract, taking into consideration
5 all of the following factors:

6 (a) The nature and seriousness of the public offense.

7 (b) The relationship of the public offense to the ability,
8 capacity, or fitness required to perform the duties and
9 discharge the responsibilities of the employment or the
10 relationship or contract.

11 (c) The extent and nature of the employee, agent, or
12 independent contractor's past criminal activity.

13 (d) The age of the employee, agent, or independent
14 contractor when the public offense was committed.

15 (e) The amount of time that has elapsed since the employee,
16 agent, or independent contractor's last criminal activity.

17 (f) The conduct and work activity of an employee, agent, or
18 independent contractor before and after the criminal activity.

19 (g) Evidence of the employee, agent, or independent
20 contractor's rehabilitation or rehabilitative effort while
21 incarcerated or after release.

22 (h) Other evidence of the employee, agent, or independent
23 contractor's fitness, including letters of recommendation from
24 any of the following:

25 (i) Prosecutors, law enforcement, or correctional officers
26 who prosecuted, arrested, or had custodial responsibility for
27 the employee, agent, or independent contractor.

28 (ii) The sheriff or chief of police in the community where
29 the employee, agent, or independent contractor resides.

30 (iii) Any other person in contact with the convicted
31 employee, agent, or independent contractor.

32 (2) A sexually violent offense as defined in section 229A.2.

33 (3) The offense of murder in the first degree under section
34 707.2.

35 (4) The offense of murder in the second degree under section

1 707.3.

2 (5) The offense of kidnapping in the first degree under
3 section 710.2.

4 (6) The offense of robbery in the first degree under section
5 711.2.

6 (7) An offense committed on certain real property for which
7 an enhanced penalty was received under section 124.401A or
8 124.401B.

9 (8) A felony offense where the employee, agent, or
10 independent contractor used or exhibited a dangerous weapon as
11 defined in section 702.7 during the commission of or during
12 immediate flight from the scene of the felony offense, or
13 where the employee, agent, or independent contractor used or
14 exhibited the dangerous weapon or was a party to the felony
15 offense and knew that a dangerous weapon would be used or
16 exhibited.

17 2. The protections provided to a private employer, general
18 contractor, or premises owner under this chapter do not apply
19 in a suit concerning the misuse of funds or property of a
20 person other than the employer, general contractor, or premises
21 owner, by an employee, agent, or independent contractor if, on
22 the date the employee, agent, or independent contractor was
23 hired, the employee, agent, or independent contractor had been
24 convicted of a public offense that included fraud or the misuse
25 of funds or property as an element of the public offense, and
26 it was foreseeable that the position for which the employee,
27 agent, or independent contractor was hired would involve
28 discharging a fiduciary responsibility in the management of
29 funds or property.>

30 2. Title page, by striking lines 1 and 2 and inserting <An
31 Act relating to the liability of private employers, general
32 contractors, and premises owners for negligently hiring
33 or failing to supervise employees, agents, or independent
34 contractors convicted of a public offense.>

S-5242 (Continued)

By DAN DAWSON

S-5242 FILED APRIL 16, 2018
WITHDRAWN

S-5247

1 Amend House File 2397, as passed by the House, as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. NEW SECTION. 671A.1 Limitation on liability
5 for negligently hiring or failing to supervise an employee,
6 agent, or independent contractor convicted of a public offense.

7 1. A cause of action shall not be brought against a private
8 employer, general contractor, or premises owner solely for
9 negligently hiring or failing to adequately supervise an
10 employee, agent, or independent contractor, based on evidence
11 that the employee, agent, or independent contractor has been
12 convicted of a public offense as defined in section 701.2.

13 2. This chapter does not create a cause of action, expand
14 an existing cause of action, or apply to the cause of action of
15 negligent retention.

16 3. This chapter does not apply to employment of prisoners
17 at prisons.

18 4. This chapter does not alter any statutory provision
19 allowing an employer to conduct a criminal history background
20 investigation or consider criminal history records in the
21 employment process for particular types of employment.

22 Sec. 2. NEW SECTION. 671A.2 Liability protection not
23 applicable.

24 1. This chapter does not preclude a cause of action for
25 negligent hiring by or the failure of a private employer,
26 general contractor, or premises owner to provide adequate
27 supervision of an employee, agent, or independent contractor,
28 based on evidence that the employee, agent, or independent
29 contractor has been convicted of a public offense as defined in
30 section 701.2, if all of the following criteria are met:

31 a. The private employer, general contractor, or premises
32 owner knew or should have known of the conviction.

33 b. The employee, agent, or independent contractor was
34 convicted of any of the following:

35 (1) A public offense that was committed while performing

1 duties substantially similar to those reasonably expected to
2 be performed in the employment or under the relationship or
3 contract, or under conditions substantially similar to those
4 reasonably expected to be encountered in the employment or
5 under the relationship or contract, taking into consideration
6 all of the following factors:

7 (a) The nature and seriousness of the public offense.

8 (b) The relationship of the public offense to the ability,
9 capacity, or fitness required to perform the duties and
10 discharge the responsibilities of the employment or the
11 relationship or contract.

12 (c) The extent and nature of the employee, agent, or
13 independent contractor's past criminal activity.

14 (d) The age of the employee, agent, or independent
15 contractor when the public offense was committed.

16 (e) The amount of time that has elapsed since the employee,
17 agent, or independent contractor's last criminal activity.

18 (f) The conduct and work activity of an employee, agent, or
19 independent contractor before and after the criminal activity.

20 (g) Evidence of the employee, agent, or independent
21 contractor's rehabilitation or rehabilitative effort while
22 incarcerated or after release.

23 (h) Other evidence of the employee, agent, or independent
24 contractor's fitness, including letters of recommendation from
25 any of the following:

26 (i) Prosecutors, law enforcement, or correctional officers
27 who prosecuted, arrested, or had custodial responsibility for
28 the employee, agent, or independent contractor.

29 (ii) The sheriff or chief of police in the community where
30 the employee, agent, or independent contractor resides.

31 (iii) Any other person in contact with the convicted
32 employee, agent, or independent contractor.

33 (2) A sexually violent offense as defined in section 229A.2.

34 (3) The offense of murder in the first degree under section
35 707.2.

1 (4) The offense of murder in the second degree under section
2 707.3.

3 (5) The offense of kidnapping in the first degree under
4 section 710.2.

5 (6) The offense of robbery in the first degree under section
6 711.2.

7 (7) An offense committed on certain real property for which
8 an enhanced penalty was received under section 124.401A or
9 124.401B.

10 (8) A felony offense where the employee, agent, or
11 independent contractor used or exhibited a dangerous weapon as
12 defined in section 702.7 during the commission of or during
13 immediate flight from the scene of the felony offense, or
14 where the employee, agent, or independent contractor used or
15 exhibited the dangerous weapon or was a party to the felony
16 offense and knew that a dangerous weapon would be used or
17 exhibited.

18 2. The protections provided to a private employer, general
19 contractor, or premises owner under this chapter do not apply
20 in a suit concerning the misuse of funds or property of a
21 person other than the employer, general contractor, or premises
22 owner, by an employee, agent, or independent contractor if, on
23 the date the employee, agent, or independent contractor was
24 hired, the employee, agent, or independent contractor had been
25 convicted of a public offense that included fraud or the misuse
26 of funds or property as an element of the public offense, and
27 it was foreseeable that the position for which the employee,
28 agent, or independent contractor was hired would involve
29 discharging a fiduciary responsibility in the management of
30 funds or property.>

31 2. Title page, by striking lines 1 and 2 and inserting <An
32 Act relating to the liability of private employers, general
33 contractors, and premises owners for negligently hiring
34 or failing to supervise employees, agents, or independent
35 contractors convicted of a public offense.>

S-5247 (Continued)

By DAN DAWSON

[S-5247](#) FILED APRIL 16, 2018
ADOPTED

HOUSE FILE 2397

S-5249

Amend the amendment, S-5247, to House File 2397, as passed by the House, as follows:

- 3 1. Page 2, line 1, by striking <duties> and inserting <acts>

By NATE BOULTON

S-5249 FILED APRIL 16, 2018

ADOPTED

S-5246

1 Amend House File 2443, as amended, passed, and reprinted by
2 the House, as follows:

3 1. Page 8, after line 35 by inserting:

4 <Sec. _____. DIRECTIVE TO DEPARTMENT OF HUMAN SERVICES —
5 JUVENILE DETENTION FACILITY. The department of human services
6 shall amend its administrative rules pursuant to chapter
7 17A to permit the administrator in charge of any secure or
8 nonsecure facility for the detention or custody of juveniles
9 the authority to lock a door within the facility provided that
10 any juvenile locked within the facility is not a juvenile who
11 has been placed in the facility pursuant to any child in need
12 of assistance proceeding.

13 Sec. _____. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION
14 IN THE DEPARTMENT OF HUMAN RIGHTS — SECURE JUVENILE DETENTION
15 FACILITY WORKGROUP.

16 1. The division of criminal and juvenile justice planning
17 in the department of human rights shall convene a study by a
18 workgroup of stakeholders to study the need for and purpose
19 of secured juvenile detention facilities to serve juveniles
20 adjudicated to have committed a delinquent act. The workgroup
21 shall evaluate the current juvenile justice system and the role
22 and need for secure facilities for high-risk juvenile offenders
23 and public safety, including alternatives to secure facilities;
24 identify best practices in graduated sanctions, gaps in the
25 current juvenile justice system, and the need for additional
26 locked detention facilities or alternatives to locked detention
27 facilities, define the population eligible for and the
28 anticipated outcome or benefits of developing additional locked
29 detention facilities; identify assessment methods to identify
30 eligible juvenile offenders; research and report on national
31 trends and evidence-based practices that serve high-risk
32 juvenile offenders; and describe how newly secured juvenile
33 detention facilities including licensing, location, and funding
34 implications.

35 2. The workgroup shall be composed of all of the following

1 members:

2 a. Four members of the general assembly appointed to serve
3 in an ex officio, nonvoting capacity. The legislative members
4 shall be selected, one member each, by the majority leader of
5 the senate, the minority leader of the senate, the speaker of
6 the house of representatives, and the minority leader of the
7 house of representatives.

8 b. Voting members to include all of the following:

9 (1) One representative from each of the following:

10 (a) The department of human services.

11 (b) The department of education.

12 (c) The department of public health.

13 (d) The department of public safety.

14 (e) The disproportionate minority contact committee of the
15 Iowa juvenile justice advisory council.

16 (2) Two chief juvenile court officers.

17 (3) Other experts that the division of criminal and juvenile
18 justice planning in the department of human rights deems
19 necessary.

20 c. Workgroup members and workgroup member organizations
21 shall pay any costs incurred by members in attending workgroup
22 meetings.

23 3. The workgroup shall submit a report on the study with
24 recommendations to the governor and the general assembly on or
25 before December 21, 2018.>

26 2. By renumbering as necessary.

By DAN DAWSON

S-5246 FILED APRIL 16, 2018

RULED OUT OF ORDER

HOUSE FILE 2466

S-5244

- 1 Amend House File 2466, as passed by the House, as follows:
- 2 1. Page 1, line 24, by striking <may include but are not>
- 3 and inserting <are>
- 4 2. Page 1, line 27, by striking <and> and inserting <and, as
- 5 determined by an agreement between the landowner or occupant
- 6 and the commission,>
- 7 3. Page 1, line 28, after <animals.> by inserting <Absent an
- 8 agreement between the landowner or occupant and the commission,
- 9 the commission shall not limit the unnatural congregation of
- 10 animals on the landowner's or occupant's property.>
- 11 4. Page 2, after line 24 by inserting:
- 12 <f. In administering paragraph "b", an employee or agent
- 13 of the department shall not enter private property without the
- 14 consent of the owner or occupant.>

By KEN ROZENBOOM

S-5244 FILED APRIL 16, 2018

HOUSE FILE 2466

S-5248

- 1 Amend House File 2466, as passed by the House, as follows:
- 2 1. Page 1, line 24, by striking <may include but are not>
- 3 and inserting <are>
- 4 2. Page 1, line 27, by striking <and> and inserting <and, as
- 5 determined by an agreement between the landowner or occupant
- 6 and the commission,>
- 7 3. Page 1, line 28, after <animals.> by inserting <Absent
- 8 a written agreement between the landowner or occupant and
- 9 the commission, the commission shall not limit the unnatural
- 10 congregation of wild animals on the landowner's or occupant's
- 11 property.>
- 12 4. Page 2, after line 24 by inserting:
- 13 <f. In administering paragraph "b", an employee or agent
- 14 of the department shall not enter private property without the
- 15 consent of the owner or occupant.>

By KEN ROZENBOOM

S-5248 FILED APRIL 16, 2018